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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,520	02/13/2002	Richard Daigre	7598	8457

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,520

Applicant(s)

DAIGRE, RICHARD

Examiner

Devon C. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1) The current amendment filed on 6/29/05 has been received. Applicant has changed the status of claim 35 to "withdrawn". The examiner recommends that applicant cancel this claim.

Claim Rejections - 35 USC § 102

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) Claims 1-3, 6, 9-14, 16-21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bigo et al (GB 2123502).

In re claims 1 and 35, Bigo et al provides a selectively engagable friction mechanism (figure 1) comprising two parts and a housing (2, 4), one of which two parts (1) is rotatable in respect to the other and the housing, at least two friction disks (12, 13), one of the two friction disks being non-relatively connected to one of the two parts, the other of said two friction disks being non-relatively connected to the other of the two parts, said one of said two friction disks having a single cross-section, said one of said two friction disks having a surface, said surface being hardened: a disk spring (18), said disk spring biasing said one of said two friction disks in one engagement condition in respect to said other of said friction disks, a piston (10), seal means (17) to directly fluidically seal the piston to the housing to create a cavity there between radially

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outward of the shaft, said piston being in direct contact with one of said two friction disks, and engagement means (25) to move said piston against the bias of said disk spring so as to place said two friction disks in another differing engagement condition. Please note that the friction disks are all hardened to some extent to extend their service life.

In reference to claim 2, Bigo et al provides a selectively engagable friction mechanism characterized by the addition of attachment means to non-relatively connect said one or said other part to the housing such that said engagement means functions as a brake for said other or said one part respectively. Please note that Bigo et al inherently has some attachment means to attach the disks to the non-rotatable portion though it is not labeled in the drawings.

In reference to claim 3, Bigo et al provides a selectively engagable friction mechanism of characterized in that both of the two parts are relatively connected to the housing such that said engagement means functions as a clutch between the two parts.

In reference to claim 6, Bigo et al provides a mechanism characterized in that there are five or more friction disks (figure 1).

In re claims 9 and 16, Bigo et al provides a selectively engagable friction mechanism comprising two parts and a housing (2), one of which is rotatable in respect to the other and the housing, at least two friction disks, one or said two friction disks

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being non-rotatively connected to one of the two parts, the other of said two friction disks being non-rotatively connected to the other of the two parts, said one of said two friction disks having a single cross-section, said one of said two friction disks having a surface, said surface being hardened, engagement means to engage said one with said other of said two friction disks so as to connect the two parts, said engagement means includes a piston (10), seal means (17) to directly fluidically seal the piston to the housing to create a cavity there between radially outward of the shaft, said piston being located in a cavity, said cavity being located in the housing adjacent to the friction disks, said piston being in direct physical contact with said one of said two friction disks, said piston being moveable between actuated and non-actuated positions relative to said friction disks; a bias assembly (18), said bias assembly engaging said piston and said housing and including a single disk spring, said single disk spring being in physical contact with both said housing and said piston, said bias assembly biasing said piston into one of said actuated non-actuated positions and a pressurization means (25) said pressurization means moving said piston into the other of said actuated or non-actuated positions.

In reference to claims 10 and 17, Bigo et al provides a mechanism characterized in that said spring has an inner edge and an outer edge, said inner edge contacting either of said piston or said housing, and said outer edge contacting the other of said piston or said housing (figure 1).

In reference to claims 11 and 18, Bigo et al provides a mechanism characterized in that the spring is a Belleville spring.

In reference to claims 12 and 19, Bigo et al provides a mechanism characterized in that at least one washer is located intermediate between said spring and said housing.

In reference to claims 13-14 and 20-21, Bigo et al provides a mechanism characterized in that said actuated position is synonymous with the brake being engaged or disengaged, depending on what applicant deems as engaged or disengaged.

In reference to claim 24, Bigo et al provides a mechanism characterized in that said shaft is interconnected to a drive mechanism.

4) Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Hein (5878858).

IN re claim 33, Hein provides a shaft (177) and a rotary bearing (239), there being a movable part (234) surrounding the shaft next to the rotary bearing, and the rotary bearing providing a stop portion of the movable part.

Claim Rejections - 35 USC § 103

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigo et al (GB 2123502) in view of Kumagai et al (5701976).

Bigo et al lacks the teaching of a multi-disk brake used in a transmission.

Kumagai et al teaches the use of a multi-disk brake used in an environment including a planetary device having a sun gear, planet gears with a carrier and a ring gear characterized in that a part of the two parts coincides with a gear or carrier of the planetary device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the multi-disc brake of Bigo et al in the environment as taught by Kumagai merely to provide an alternate environment of use for the brake, that of which is known in the art and to provide an efficient means to transfer power between components.

7) Claims 7-8, 15, 22-23, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigo et al (GB 2123502) in view of Naumann et al (6302246).

For the further limitations of claims 25-28 and 31-32, please refer to the 102 rejection above. Bigo et al lacks the teaching of an anodized surface or an oxide ceramic.

Naumann (6302246) teaches a surface that is hard anodized and a surface that is coated by a complex oxide ceramic

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the friction surfaces of Bigo et al with the treated surfaces as taught by Naumann because it is common in the art to treat friction surfaces in order to improve their wear properties.

8) Claims 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bigo et al (GB 2123502) in view of Naumann et al (6302246) and further in view of Jackson et al (6089357).

Please see the 102 rejection in paragraph 3 and the 103 in the above rejection for the further claim limitations of claim 32. Bigo et al teaches a seal member (17) and a seal member (24), but lacks the teaching of two located in the piston.

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Jackson et al teaches two seal members (150) located in a piston to seal the piston against a housing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the device of Bigo et al as modified by Naumann et al with two seals on the piston as taught by Jackson et al merely to ensure that fluid would not pass between the edge of the piston and the housing and since it has been held that a mere duplication of parts of a device involves only routine skill in the art. *St. Regis Paper CO. V Bemis Co.*, 193 USPQ 8.

9) Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pringle (4805744) in view of Masuda et al (5199799).

Pringle provides a selectively engagable mechanism having a shaft (10) with a bearing (20), the bearing having an inner race. Pringle lacks the teaching of the inner race physically coextensive with the shaft.

Masuda et al provides an inner race that is coextensive with a shaft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the inner race of the bearing of Pringle coextensive with the shaft as taught by Masuda et al merely to reduce the

amount of parts in the device and since it has been held that forming in one piece an article which has formally been formed in two pieces and put together involves only routine skill in the art. Howard V. Detroit Stove Works, 150 U.S. 164 (1993).

Response to Arguments

10) Applicant's arguments filed 6/29/05 have been fully considered but they are not persuasive. Applicant argues that the amendment to claims 1, 9 and 16 overcome the art of record because Bigo does not provide a seal between the piston and the housing. Please note that Bigo teaches a seal 17. Applicant's further arguments are moot in view of the new grounds of rejection.

Conclusion

11) THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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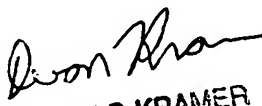
12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Examiner
Art Unit 3683

DK


DEVON C. KRAMER
PATENT EXAMINER

8/24/05